

India

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N.B.M. 1609/264

C A S E

O F

Sir ROBERT FLETCHER,

WITH HIS

COURT-MARTIAL.







**C A S E**

**O F**

**Sir ROBERT FLETCHER.**

**I**N publishing to the world the Trial of Sir Robert Fletcher, it may not be deemed improper to give a plain and succinct narrative of that gentleman's military services. It is not usual that those, whose conduct has acquired to them praise and reputation for a course of years, should at one stroke deserve infamy; or that persons who have experienced the defect of discipline, and lamented it in others under their command, should wantonly neglect the duty which they



owe themselves to their superiors, especially in such instances as tend to confound all principles of military command, obedience and subordination. And although no circumstantial inductions can be put in ballance with positive proofs supported by unquestionable evidence, yet when opposite declarations appear, candour will universally decide itself in favour of those who have intitled themselves to our confidence by a series of meritorious conduct.

Sir Robert Fletcher entered into the service of the East India Company before the siege of Madras. He was an officer in that corps, under the command of Major Preston, which Lally says in his letter, "did him more mischief than all the rest:" Here Mr. Fletcher had in four different actions the good fortune to receive the thanks of Major Preston. At Wandiwash he was the first who entered the breach: When Carongal was taken, Colonel Coote, who expected the French would take the advantage of the breaches made by us in the attack, and besiege it without delay, did him the honour to appoint him to the command of that place: during the siege of Pondicherry, he took the strong fort of Pondemally with





with three companies of seapoys only, which cut off the communication with Gingee. Shortly after Pondemally had been taken, Major Allan appeared before it, with a large force of Europeans, Sepeys, and artillery, but did not think fit to venture the siege of it. Afterwards he surprized this very town of Gingee, and burnt the French magazines there. After this, he was appointed Aid de camp to Colonel Coote, during the siege of Pondicherry, who has often testified his sense of Sir Robert's conduct, during the remainder of that remarkable siege. When Mr. Kepple was destined to attack the Mauritius, Mr. Fletcher was pitched upon to sail from Madras to those islands, for acquiring intelligence; he embarked in a ship of ten guns with thirty soldiers.

Being arrived off the island of Mauritius, and under some difficulty how to execute the purpose of the voyage, Mr. Fletcher resolved to attack the neighbouring island of Diego Rais. It was defended by Captain Puigney, with seventy men under his command, and a battery of eight guns; there were also a small French frigate and a merchant snow in the road. The whole was reduced by Mr. Fletcher in two hours.



Upon his return to Madras, Mr. Fletcher was appointed Major of Brigade, in which station he served at three sieges under General Caillaud, who has given public testimony of his conduct on these occasions; from thence he was employed at the siege of Manilha under General Drapier. As this distinguished officer, who is now in England, was pleased to name Mr. Fletcher to have the honour of laying the colours of that city at His Majesty's feet, it may be better to refer to General Drapier, than to recapitulate the particular services which induced him to shew this mark of preference and distinction to a man who is now under disgrace; but whose services had then the good fortune to meet with the approbation of His Majesty, who rewarded them with the honour of knighthood, as a mark of his royal favour.

In the year 1764, Sir Robert Fletcher was appointed by the directors, Major in the service of the East India Company on the Bengal establishment, and next in command to Major Knox. Soon after his departure for India, it was thought proper to invest Lord Clive with the whole power and authority of the company, who projected innumerable



merable alterations and promotions in the establishments both civil and military. His lordship not arriving in Bengal before the month of May 1765, found all the enemies of the company already subdued to his hand, and nothing left for his lordship but to reap the fruits of conquest, success and victory. In the mean time Sir Robert Fletcher had joined Major Munro the day after the battle of Buxar. He found notwithstanding the efforts of that officer to establish good order and discipline among the troops, that an universal spirit of party and disobedience reigned amongst them to a degree of disorder scarcely ever known in an European army. He had been himself represented in letters from England as strongly attached to a *different interest*, which put him under some disadvantages upon his arrival; and a difference of opinion, which unfortunately happened in more instances than one between him and Major Munro, effectually prevented any cordial union or confidence from subsisting between them. Arriving immediately after the battle of Buxar, he had earnestly requested to be sent with a detachment towards Banaris, in order to take advantage of the confusion of a dispersed and flying



ing enemy, by which means he might at least have seized the cannon which they carried off, with great part of their baggage, and by that single stroke might probably have put an immediate conclusion to the war. The fort of Chinargur, which was soon after attacked, was thought by Sir Robert Fletcher inaccessible in the part where the attack was made; his opinion was over-ruled, and the attempt miscarried with disgrace. After the first repulse a second attack was made, and with the same success. Two battalions of seapoys were however left to invest the fort, as Sir Robert had advised by letter \* after the first repulse, but they were soon recalled contrary to his intention, by which means the place became abundantly supplied with provisions, ammunition, and every necessary succour. The army of Shuja Dowla lay encamped within fifteen miles, and Major Munro persisted in a resolution of keeping only upon the defensive in a very strong post close to the city of Banaris, whilst hardly a day passed that he was not in-

\* After the first repulse Sir Robert being required to give his opinion, wrote a letter to Major Munro, in which he dissuaded a second attack, advised the investing it with two battalions of Seapoys, and the advancing the body of the army towards Shudah Dowla, to make an end of the war.



sulted almost in his camp by large numbers of Shuja Dowla's horse, which cut off the provision necessary for the beasts of burthen. And there is reason to believe, that had Shuja Dowla then taken advantage of that inactive disposition, he might with great ease have crossed the Ganges with forty or fifty thousand cavalry, (which might have been effected without boats) have marched directly into the Bengal provinces, have possessed himself of the factories, and scattered consternation and terrour all around him \*.

Such was the situation, when the command devolved upon Sir Robert Fletcher; Major Munro having left the army on the sixth of January, 1765. The system he thought fit to adopt, was, indeed, the direct contrary of that persisted in by his predecessor. He had every difficulty to com-

\* The army of Shuja Dowla was placed between the English forces and Nudjuff Cawn, who had engaged to Munro to advance upon Shuja Dowla's rear. He did not however advance according to his engagement, or afford any assistance to the English till the siege of Illahabad by Sir Robert Fletcher, who requiring the reasons of his conduct, he confessed that the English having persisted to act upon the defensive only under Banaris, he had been discouraged from proceeding, imagining their affairs to have been in a desperate situation.



bat with ; he stood, or rather seemed to stand, almost single in his opinions \* ; the violence of party, scarcely confined itself to remonstrance ; his orders were baffled and evaded, his designs protracted and disappointed. Yet, under every disadvantage, what was the success of his short temporary command ? It devolved upon him the sixth of January, and before the tenth of February he had driven out of the country Shuja Dowla, esteemed the most renowned general among the princes of Hindostan ; he had taken the city and strong fort of Joanpoor, the strong fort of Illahabad with one hundred and fifty pieces of cannon, and the famous Chinargar, so unsuccessfully attempted by Major Munro. In short, he had put a period to the war with a rapidity of success which is almost beyond example ; and, by that means, had laid the real foundation, not only of peace and security to the affairs of the company, but of that state of prosperity which is become a national consideration, and for which others have been so liberally rewarded.

\* Mr. Hastings however, whose authority will deserve to carry some sway with it, was of the same opinion with Sir Robert Fletcher, though he had left Bengal about a month before, as appears by a letter from him, dated the fourteenth of January from Madras, which Sir Robert received after the conquest of Illahabad.

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The rewards and distinctions which have been heaped upon Sir Robert Fletcher, in consequence of his services, the reader will be surprized to find, have been one continued series of disgust and mortification, from the arrival of Lord Clive in India. He was not only refused to succeed to the command of the third battalion, according to his right upon the death of Colonel Knox, but had the mortification to see Sir Robert Barker taken from the command of the artillery to be appointed to that station, contrary to the order of promotion, and to the instructions of the directors. Nay, so evident was the determination, that no opportunity should be lost of disgusting Sir Robert Fletcher from the service, that he was refused by Lord Clive the common favour of exchanging his brother from Madras; whilst his Lordship was, at the same time, removing officers to Bengal without any exchange, and appointing even cadets to the rank of captains.

In this spirit, arising from motives, which every one will assign to himself: It has been the misfortune of Sir Robert Fletcher, at the moment when he flattered himself he had deserved the best of his country, and of the company in particular, to find



his reputation tarnished, and all his future prospects at once destroyed by the sentence of a Court-Martial as severe, as he persuades himself he shall be able to prove the accusation to be exaggerated even to falsehood.

To state this transaction in its true light, it will be necessary to explain the cause which gave birth to the discontent so generally prevailing among the officers, soon after Lord Clive's arrival in Bengal, and which has been made use of to implicate Sir Robert, and to compleat his ruin and disgrace, at least so far as depended upon his enemies.

Upon the coast of Choromandel, where our troops first acted in conjunction with the natives, it had been thought fit that the officers and soldiers should receive an additional pay from the Nabobs, in consideration of the dearness of every necessary in that country; this was called *batta*. It was afterwards augmented in proportion to the distance we had penetrated into the country, and came at length to be double the first institution.

This custom of double *batta*, whether reasonable or not, was introduced afterwards into Bengal, by Lord Clive himself; where it had continued ever  
since



since as an acknowledged and established right. Upon Lord Clive's arrival in Bengal, in 1765, the whole revenues belonging then to the Company instead of the Indian Princes who had formerly paid the batta, his Lordship determined to make a reduction of this allowance, by which a very considerable saving would accrue to the revenue of the Company, no less than thirty thousand pound per annum ; *a sum equal to the jaghire conferred upon his Lordship.* This sudden reduction of the pay of a victorious army, who had so lately put the affairs of the Company in a condition even above their most sanguine expectations (however wise and salutary his Lordship might have conceived the measure) had the ill fortune to occasion, amongst all ranks of men, a spirit of ill humour and discontent, which might have endangered the safety of the Company, and the very possessions they had recently acquired. The Directors have, indeed, so far differed from his Lordship, that they have thought proper, since that time, to augment the appointments of their officers ; at the same time confirming a very essential security taken from them by Lord Clive, (not till after the resignations) which had been before fatally omitted, by obliging them for the future to *contract* for three years, that they  
might



might no longer be at liberty to quit the service at their pleasure. As this precaution had not been at that time taken by the Company, the discontented officers had recourse to a general combination, which had been in contemplation in January; but the officers then contenting themselves with applying to the Governor and Council for redress of their grievances; the combination, which actually produced the resignation, did not take place till the middle of April following. The reader must refer himself for the particulars of this transaction to the minutes of the Court-Martial, to form his judgment *how far* Sir Robert Fletcher was guilty, and of *what* he was guilty.

The Court have adjudged him guilty of *mutiny*, by a breach of the third and fourth articles of the second section of the articles of war; and have therefore adjudged him to be cashiered, viz. for having “ begun, excited, caused, or joined “ in mutiny or sedition,” and for “ not having “ used his utmost endeavours to suppress the same; “ or having come to the knowledge thereof, and “ having delayed to give information of it to his “ commanding officer.” To this charge, however, it is necessary to offer some few observations to  
the



the reader, previous to the evidence he is referred to. In the first place, if the officers were under no contract, and were at liberty to quit the service when they thought proper, then their resignations are to be considered as a lawful act; and, in that case, neither the resigning, nor the encouraging to resign, much less the concealing an intention to resign can be construed into mutiny, and the whole charge consequently falls at once to the ground.

General Carnac, the Commander in Chief, in his public letter to the Governor and Council, 29 July, 1761, uses the following words, to which the reader's particular attention is requested; "I  
 " have further at present to observe to you, that  
 " you can never oblige a gentleman to do what  
 " he thinks unjust and unreasonable, so long as he  
 " has it in his option to quit the service; and it  
 " is a fortunate circumstance we have this in our  
 " power, in a part of the world where, by reason  
 " of the extreme distance from redress, we  
 " are exposed to such frequent ill-treatment. \*"

In the next place, no less than six of the thirteen members who composed the Court-Martial,

\* Vide Note, page 20.



if not eight, had been themselves acquainted with the combination from its commencement, and had never given any official information of it to the respective commanders under whom they served. Of what crime then did they adjudge Sir Robert Fletcher guilty, if they themselves were innocent\*?

It is to be observed, that the charge against Sir Robert was a *general* charge of mutiny, without particularizing *time, place or circumstance*; a singularity highly irregular, as it leaves an opening to shift the charge from one ground to another, till some matter may be found of criminal accusation; a proceeding fitter for a court of inquisition, than for a well established and equitable tribunal. That in the next place, this charge is founded upon an anonymous letter, the worst of all foundations for a court of justice to institute upon it a criminal prosecution, even though it be after-

\* In the association in 1765 for a general resignation upon Captain Mac Pherson coming into the service, which was patronized by General Carnac, then Commander in Chief, Sir Robert Fletcher was the only officer in the army who disapproved of the combination; yet general Carnac was never questioned by Lord Clive for his behaviour on that occasion.



wards acknowledged by the author. In this instance, the author, Mr. Bagot, upon one single question, contradicts, upon his oath, his assertion in his letter, and has since written to Sir Robert Fletcher a letter (now in Sir Robert's possession) to express his regret upon his past conduct, which he says, proceeded from pique alone, and that he could have no peace of mind without the forgiveness of Sir Robert. The evidence of Captain Goddard, the principal support of the charge, is contradicted by three witnesses, Captain Smith, Ensign Paton and M'Phearson; and bears, in other respects, the most suspicious marks of partiality. With regard to the charge itself, it consists of two accusations, the exciting the officers to resign their commissions, and the delaying to give information immediately to the commanding officer. The first accusation is principally founded upon what passed in the month of January, at the table of Captain Goddard, and which is sufficiently explained in the defence of Sir Robert, supported by the evidence of Lieutenant Dunbar, with regard to the manner of its introduction. The resolution of the officers however to resign, could not have been the consequence of what then happened; since, in the month of February, they



went no further than to present a memorial of their grievances to the Governor and Council; it was not till the first of May, that the resignation of their commissions actually took place \*. The measures taken by Sir Robert to prevent those resignations, at least so far as his influence extended, is fully proved, even to the offering to advance the sum in which they had bound themselves to the association; whilst at the same time it appears, that *that* association was so far from trusting Sir Robert as the accomplice of their designs, that they took the utmost care to keep their meetings from his knowledge †. To these consider-

\* It is proved upon the evidence, that in the month of January, before the conversation at Captain Goddard's table, Sir Robert Fletcher had strongly dissuaded Captain Bevan, Lieutenants Kyd and Dunbar, belonging to his family, from joining with the other officers to resign, assuring them they should be no losers;—That in the month of April he reprimanded severely Mr. Dunbar for having engaged himself;—That on the twenty-second of April he dissuaded in like manner Mr. William Patton, and offered him five hundred pounds to discharge the penalty of his bond;—the same offer he made about the same time to Captain Stainforth, Lieutenants Shrimpton, M<sup>r</sup> Phearson, Dunbar and Kyd.

† It is proved, that the officers were apprehensive, if Sir Robert should discover their associations, that he would send them prisoners, and not accept their commissions.—That Captain Goddard enjoined to Serjeant Hardy the strictest secrecy, “*particularly to the Colonel, Sir Robert Fletcher,*” when he  
copied



ations we must add, that it was owing to his prudence and management alone that this measure was followed by no bad consequences whatever; that the intention of Captain Goddard (declared in the hearing of Captain Stainforth) to seduce the men under his command was defeated, and the soldiers kept within their duty. In short, that Lord Clive, when he arrived at Monghier, did not find a general revolt, and perhaps himself a prisoner; for they were exasperated to the highest degree, and his lordship was of all others the most improper person to attempt to reconcile them to the service\*.

copied a letter addressed to the officers of the third brigade, that the lights were put out, and the doors shut in the house where the officers held their meeting, upon Sir Robert's passing through the square. Indeed, the same testimony is given in a letter from the officers themselves under their hands to Sir Robert before he left Calcutta. "We think it our duty to declare, in the most solemn manner, that neither your words, actions, nor any part of your conduct whatsoever, did in any shape influence us, to join in that combination, and we further declare that we were afraid of nothing so much as your coming to the knowledge of our schemes."

\* It appears, that great part of the regiment were actually in arms after the resignations upon the fourteenth of May in a tumultuous and riotous manner, upon their having been persuaded, that Sir Robert was a party to the transaction, but that upon his declaring to them his disapprobation of it, and desiring them to return to their barracks,



With regard to the second accusation, viz. the not giving immediate information of such intentions among the officers to the commanding officer; in the first place, it was the opinion of Sir Robert Fletcher, as it has been the opinion of some of the best authorities in England, that he was *himself* the commanding officer intended by the articles of war, having been invested with the power of holding and approving general Courts Martial, and having no superior where he then was, nor within any distance which could have made it practicable for any one but himself to have applied the remedy. If however this part of the charge relates to what passed in January, the answers are obvious. There was no settled design among the officers whatever, till they resolved upon their memorial to the Governor and Council, which, besides that it was a lawful remonstrance, spoke sufficiently for itself. As to the general spirit of ill-humour and discontent

they dispersed immediately, and the tumult ceased.—The letter from the officers to Sir Robert upon his disgrace, (for the signing which fourteen of them were made prisoners by Lord Clive) and another from the private soldiers upon the same occasion, shew sufficiently the affection and attachment they bore personally to Sir Robert, and the influence he had over the private men.

among



among the officers, and a general report of an intention to resign, it was universal through the whole army, and notorious every where, even at Calcutta; and indeed Sir Robert had received already more than one reprimand from Lord Clive for alluding to that spirit of dissatisfaction. If then this charge of concealment relates to the second combination in April, which did actually produce the resignations, Sir Robert appears to be still more fully justified. It appears that the combination and determined intention of the officers to resign, was not known to him till the twentieth of April; by the twenty-fifth he contrived means to come at the knowledge of the particulars of the officers conduct both with regard to his own and the other brigades, and on that day wrote to Lord Clive, who was at the distance of two hundred Miles upon his journey to join Sir Robert; on the twenty-eighth Lord Clive returns an answer, in which he tells him his conduct is *highly commendable* \*. On the twenty-sixth of May Mr. Bagot,

\* On the 14th May Sir Robert expresses himself in the following words, in a letter to Lord Clive. " Some have  
 " been very troublesome, and particularly those whom I all  
 " along suspected, and whose confidence I used every art to  
 " gain in January last, when I heard the whole were to form



author of the anonymous letter, is made Chaplain to the Brigade; on the twenty-first of June Lord Clive writes to Sir Robert Fletcher, to invite him to a consultation at Patna, to consider of proper measures in consequence of the late combination, where, upon his arrival, he is immediately made prisoner.

If any one, judging of the state of the army in India by that in Europe, should still ask, why Sir Robert did at last receive the resignations of the officers, they will recollect, that the officers had entered into no contract \*, and therefore that they could not be obliged to retain their commissions a moment longer than it was agreeable to them †; so that in India this was never made a charge against him. But, on the other hand, could he have refused to accept them, it would neither have consisted with prudence or policy.

“ a plan of quitting the brigade without giving any warning.

“ I even went so far as to approve of some of the schemes,

“ that they might do nothing without my knowledge.”

On the 15th May Lord Clive arrives at Mongheer, stays two days with Sir Robert, and thanks him for his conduct.

\* In the act 27 George II. the word *contracted* is particularly specified.

† Carnac's letter to the Governor and Council of Bengal in the foregoing note.

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The moment the combination was ripened to that point, there remained nothing for him the commanding officer to do, but to separate the malecontents from the others, to take from them all authority over the men, and to shut them out of the garrison; by which means, the malevolence of their intentions became baffled, the garrison was kept in its obedience, and they became the dupes of their deep-laid machinations: The event justified the wisdom of Sir Robert's determination, and the integrity of his intentions.

These considerations being premised, the reader will now enter into a free, candid and impartial examination of the minutes of the Court-Martial, together with Sir Robert Fletcher's defence. If there shall appear to him in Sir Robert's conduct after all, any thing that deserves censure, any unguarded expression, or any omission of what might in strictness have been expected of him, short of criminal intention, surely he has merit in the service to plead for him sufficiently, that the extreme rigour should not be dealt out to him; least the *summum jus* should, in this instance, appear to every generous mind the *summa injuria*. But if on the contrary, the reader should be induced to form a different



different judgment; if it shall appear to him that the allegations in the charge are not proved, or that what is proved does not amount to a criminal charge, or expose him in the *strictest sense* to the severity of the law; if this should be his opinion, what satisfaction will he esteem adequate to injured innocence, to blasted reputation, to Services and important Services, rewarded with all the malignity, with which party spirit sacrifices even merit itself to her mean purposes and interested resentments.

T H E E N D.



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# PROCEEDINGS

OF THE

## COURT-MARTIAL.

**A**T a general court-martial, held by virtue of a warrant from the right honourable lord Clive, baron Clive of Plassey, in the kingdom of Ireland, and knight of the most honourable order of the Bath, governor of Fort William, &c. commander in chief of all the forces employed in the service of the united company of merchants trading to the East-Indies, in the kingdom of Bengal, and provinces of Bahar and Orixá, president of the council of Fort-William, and the rest of the council hereof, at Myr Absal's gardens, on Monday the first of September, 1766.

B

Colonel



Colonel RICHARD SMITH, president.

M E M B E R S.

Colonel Sir Robert Barker.	Lieut. Col. Joseph Peach.
Lieut. Col. Cha. Chapman.	Major Giles Stibbert.
Major Hugh Grant.	Major Christian Fischer.
Major Ralph Winwood.	Major Charles Pemble.
Major Primrose Gailliez.	Major James Morgan.
Capt. John Tottingham.	Captain Nath. Kindersley.

Captain THOMAS PEARSON, judge-advocate.

Extraordinary members, captain Charles Morgan, captain Scipio Carnac, captain William Heffman, captain-lieutenant Thomas Ragull.

The warrant constituting colonel Richard Smith, president, being read, as also one appointing captain Thomas Pearson, judge-advocate, and the president, members, and judge-advocate duly sworn, the court proceeded to the trial of lieutenant-colonel Sir Robert Fletcher, of the first regiment of the company's troops on the Bengal establishment, who came prisoner before them, he having been put in arrest by order of the right honourable lord Clive, commander in chief of the forces, &c. &c. &c. upon the charge of mutiny being exhibited against him.

The evidences in support of the charge not being arrived from Monghier, the court adjourned till Wednesday morning, nine o'clock.

Wednesday



Wednesday September 3, 1766.

The court met pursuant to adjournment.

Present, colonel RICHARD SMITH, president.

MEMBERS.

Colonel Sir Robert Barker,	Lieut. Col. Joseph Peach.
Lieut. Col. Cha. Chapman.	Major Giles Subbert.
Major Christian Fischer.	Major Ralph Winwood.
Major Charles Pemble.	Major Primrose Gailliez.
Major James Morgan.	Captain John Tottingham.
Captain Nath. Kinderley.	Captain Charles Morgan.

Extraordinary members, captain Scipio Carnac, captain William Hessman, captain-lieutenant Thomas Ragull.

Major Hugh Grant, not being able to attend the court through indisposition, captain Charles Morgan, the member next in succession, took his seat accordingly.

The evidences being arrived from Monghier, and the prisoner brought into court, they proceeded on his trial in the following manner.

Thomas Goddard, late captain in the first regiment of infantry, on the Bengal establishment, being duly sworn, deposed, That at the latter end of December 1765, or January 1766, the following occurrences were the subject of a conversation in a company, consisting of lieutenant-colonel Sir Robert Fletcher, captains Roper and Parker, lieutenants Watts, Dunbar, Bevan, and Francis,



and Mr. Bagot, surgeon, who dined with him in one of these months.—That soon after dinner, to the best of his recollection, the reduction of the Batta was the first subject spoken on by some of the officers present, and the memorials that had been presented for the recovery of it; upon which Sir Robert Fletcher said, he thought they would have no effect, although the orders of the company on that head were not positive: that lieutenant-colonel Sir Robert Fletcher then declared, there was one method to recover it, and that was by a general resignation, which could not fail of success, as the dissention of the civil, joined to that of the military, would carry every thing; and he knew the Madras counsellors, being his friends, would join against lord Clive: that the discourse then turned upon the method of resigning: upon which lieutenant-colonel Sir Robert Fletcher said, “Send me your commissions, and I will receive them;” and advised that the scheme should be put into execution before the next ships sailed for England; as their carrying home accounts of the Batta being reduced would strengthen his lordship’s interest so much, that it would be in vain to attempt the recovery of it hereafter; and, at parting, he intimated that it might be prejudicial to him that conversation repeated.—Captain Goddard further deposed, That Sir Robert, the same evening, when he went out in a chaise with him, pointed out the readiness of lieutenant Bevan’s joining in the resignation, who enjoyed a double post; and at another time he remembers, that Sir Robert

Fletcher



Fletcher told him he knew of all the meetings of the officers, and what passed at them : that he, captain Goddard, wanted to have made known these circumstances to lord Clive and general Carnac ; but was prevented by being ordered away from Monghier. He therefore acquainted major Champion and captain Pearson with them. Captain Goddard then begged leave to inform the court, that he conceived lieutenant Bevan was one of the company that day in which the conversation he has related to the court passed, from his being one of Sir Robert Fletcher's family : but he cannot depose in that particular with certainty.

Questions by the court.—He has said that he acquainted major Champion and captain Pearson with the circumstances of this deposition, after being prevented seeing lord Clive and general Carnac ; did he not make captain Smith, or some other gentleman, acquainted with them at the same time?

A. He believes he made captain Smith acquainted with them.

Q. Did he ever make Sir Robert Fletcher acquainted with the meetings of the officers concerning the resignation, or with any of the particulars that passed at those meetings?

A. To the best of his recollection he never did.

Q. Does he know the officers who generally met at Monghier, to transact the business regarding the resignation?

A. All the officers of the brigade, under the degree of field-officers, used to meet at particular times,



times, excepting lieutenant Bevan, whom he does not recollect to have seen at any of the meetings held lately.

Q. Does he remember what time lieutenant-colonel Sir Robert Fletcher told him he knew all the meetings of the officers, and what passed at them?

A. About the 30th of April.

Q. Does he recollect how long before that time lieutenant Bevan had absented himself from the meetings of the officers? and what passed at them?

A. He does not.

Q. Was any person present when Sir Robert Fletcher told him he knew of all the meetings of the officers, and what passed there?

A. No one was present.

Q. Does he know, or did he ever hear, of a report, or design, of a general resignation of commissions, amongst the officers at Monghier, on account of the reduction of the Batta, before the time he has described, when Sir Robert Fletcher was present?

A. He did hear of such a design before that time.

Q. How long before that time, and from whom?

A. He believes he heard of it in December, prior to the time Sir Robert Fletcher dined with him, in a large company of officers at captain Scarling's quarters, when it was proposed to him to join them in the said design.

Thomas



Thomas Roper, late captain in the third regiment of infantry, on the Bengal establishment, being duly sworn, deposed that at captain Goddard's table, about the latter end of January, or beginning of February last, when the reduction of the Batta, together with the memorials or remonstrances for its recovery, that either were presented to the board, or about to be so, became the subject of conversation; Sir Robert Fletcher gave it as his opinion, that they would prove ineffectual; at the same time intimated that he did think it recoverable. This produced a desire of knowing, how it was to be accomplished; Sir Robert Fletcher said it was not for him to point out a method; but observed upon some of the company's mentioning a resignation, that, that was the only method; and that the present dissensions amongst the civilians in Calcutta would greatly favour such a measure, or words to that effect.

Lieutenant-colonel Sir Robert Fletcher said, in the course of that day's conversation, that he would accept of the commissions; and that whatever was to be done, ought to be finished before the ships sailed.

Questions by the court.—Does he remember to have heard lieutenant colonel Sir Robert Fletcher, in the course of the conversation at captain Goddard's quarters, say, that the Madras counsellors were his friends, and would join against *his lordship*, lord Clive?

A. He



A. He did hear lieutenant-colonel Sir Robert Fletcher mention the Madrafs counsellors; but cannot recollect upon what account.

Q. Does he know, or did he ever hear, of a report, or design, of a general resignation of commissions amongst the officers at Monghier, on account of the reduction of the Batta, before the time he has mentioned, when Sir Robert Fletcher was present?

A. He did hear of such a design.

Q. How long before that time, and from whom?

A. He cannot recollect either.

Q. Does he know, or has he heard, of any resolution being taken in consequence of the conversation that passed at captain Goddard's quarters, when lieutenant-colonel Sir Robert Fletcher was present.

A. He does not know of any; captain Goddard was averse to the measure before, and he afterwards came into it; but whether, from what had passed that day, he cannot determine.

Mr. James Watts, late lieutenant in the first regiment of infantry on the Bengal establishment, being duly sworn, deposed, that in the month of December, 1765, or January 1766, he dined with captain Goddard, and lieutenant-colonel Sir Robert Fletcher was in company; the conversation happened to turn on the reduction of the Batta; remonstrances and a general resignation were talked of to remove it. Sir Robert Fletcher gave it as his opinion, that if a general resignation should  
take



take place, the Batta would be restored : he further said, that he believed the orders respecting the reduction of the Batta were not positive. He proposed that the commissions should be delivered up at the commencement of a month : that the officers should receive no pay, but serve as volunteers, till the determination of the governor and council should be known ; and that upon those conditions he would accept of the commissions of the officers of the first brigade.

Questions by the court.—Does he recollect if lieutenant-colonel Sir Robert Fletcher advised the resignation of the officers should be entered upon before the departure of the ships for Europe ?

A. He heard the departure of the ships mentioned by him in that conversation ; but does not recollect what he said on that subject.

Q. Does he recollect if Sir Robert Fletcher that day mentioned that the circumstances of the dissention amongst the civilians would prove favourable to the resignation ?

A. He heard the word dissention mentioned ; but does not recollect what Sir Robert Fletcher said on that subject.

Q. Does he recollect to have heard Sir Robert Fletcher say the Madrafs counsellors were his friends, and would join against lord Clive ; or words to that effect ?

A. He does not recollect to have heard him say so, nor words to that effect.



Q. Does he know, or did he ever hear, of a report, or a design of a general resignation of commissions amongst the officers at Monghier, on account of the reduction of the Batta, before the time he has described, when Sir Robert Fletcher was present?

A. He did.

Q. How long, and from whom?

A. The first part of the question he does not recollect, and the second he begs to be excused answering.

Q. Has he himself never publicly declared that his own, captain Goddard's, and many other officers resignation, was principally owing to the persuasion or influence of Sir Robert Fletcher?

A. For his own part, he cannot recollect that he ever declared he was influenced to resign his commission by Sir Robert Fletcher; but upon the strength of what captain Goddard has told him, he might have declared that captain Goddard was influenced to resign his; though he cannot recollect when or to whom he ever had.

Captain Frederick-Thomas Smith, aide-de-camp to general Carnac, being duly sworn, deposed that on the thirteenth or fourteenth of May, captain Goddard acquainted him, in the course of a conversation, that he had been led into the resignation of the service by the persuasion of Sir Robert Fletcher, contrary to his own inclination and opinion; the particulars of whose conduct towards him, he had made known to major Champion, and captain Pearson; and insisted upon captain Smith's acquainting



acquainting lord Clive and general Carnac with this, in case he should not have an opportunity of seeing them himself.

Mr. William Bagot, surgeon's assistant in the first regiment of infantry on the Bengal establishment, being duly sworn, deposed, that in the course of a conversation, in captain Goddard's tent, the latter end of December, 1765, or the beginning of January 1766, Sir Robert Fletcher observed that the present was a proper time for a general resignation, because the civilians were discontented, and the Madras counsellors he believed would join against lord Clive : that he said either Mr. Bevan, or Mr. Dunbar, or both of them, should be the first to resign, though they held double posts.

Questions by the court.---What double posts did Mr. Dunbar and Mr. Bevan then hold ?

A. The one was aide-de-camp to lieutenant colonel Sir Robert Fletcher, and the other major of brigade.

Q. Does he recollect if in the conversation at captain Goddard's, there was any mention made of the resignation taking place before the ships sailed for Europe ?

A. He remembers Sir Robert Fletcher did say, unless it took place before the ships sailed, it would be in vain ; or something to that purpose.

Q. Does he know, or did he ever hear, of a report, or design of a general resignation of commissions amongst the officers at Monghier, on account of the reduction of the Batta, before the time he



has described, when lieutenant-colonel Sir Robert Fletcher was present?

A. Yes he did.

Q. How long before that day, and from whom?

A. Perhaps two or three weeks, he cannot exactly recollect: the report he heard from almost every body he conversed with.

Q. Was the resignation a matter of public conversation in the brigade?

A. It was.

Q. Does he know, or has he ever heard, that Sir Robert Fletcher had proposed that a correspondence should be maintained with the officers of the other brigades respecting the resignation, by means of Mr. Bevan, major of brigade, or Mr. Dunbar, his aide-de-camp?

A. He never heard that he had.

Q. Does he know, or has he ever heard of any resolutions that were taken in the resignation, in consequence of the conversation that passed at captain Goddard's tent, when Sir Robert Fletcher was present?

A. He knows of none, nor has he heard of any.

The court then adjourned till to-morrow morning nine o'clock.

Thursday



Thursday September 4, 1766.

THE court met pursuant to adjournment, present the president, and the rest of the members as yesterday.

Lieutenant-colonel Sir Robert Fletcher came into court.

Captain Henry Bevan, of the first regiment of infantry, being duly sworn, was asked the following questions.

Q. Did he at any time make Sir Robert Fletcher acquainted with the meetings, held by the officers of the first brigade, to carry on the business of the resignation?

A. No, he never did.

Q. Did he at any time acquaint him that letters were frequently wrote, and proposals made to the officers of the two brigades, on the subject of the resignation?

A. He does not recollect that he ever did before the twentieth of April, about which time the affair was the subject of public conversation, and he possibly might have mentioned it.

Q. Did he ever acquaint him that the officers of the second and third brigades had joined those of the first in the resignation?

A. He does not recollect he ever did before the twentieth of April, about which time the affair was the subject of public conversation, and he possibly might have mentioned it.

Mr.



Mr. WATTS recalled into court.

Questions to Mr. Watts.—Did he not declare in the presence of captains Roper and Goddard, that he heard an officer say in the presence of Sir Robert Fletcher, that those that did not join in the resignation deserved to be shot?

A. He did.

Q. Does he recollect what time this happened?

A. In the month of March.

Q. Was that declaration in his opinion spoke loud enough to be heard by lieutenant-colonel Sir Robert Fletcher?

A. Sir Robert Fletcher might hear it; but Mr. Watts cannot take upon him to say he did hear it.

Q. Who is the officer who made that declaration?

A. As he was coming from Calcutta in the company of captains Goddard and Roper, they were casting reflections upon some of the officers, who had first engaged to resign the service, and did not fulfil their engagements: among these captain Nowlan was mentioned. Mr. Watts told captains Goddard and Roper, that that gentleman, to the best of his remembrance, had declared before him in the company of Sir Robert Fletcher, that whatever officer refused to engage in that measure, or did not adhere to his engagement, deserved to be shot, or hanged, or something to that purpose.

Q. What other persons were in company when captain Nowlan made that declaration?

A.



100 A. Part of Sir Robert Fletcher's family: to the best of his recollection, captain Bevan, and Mr. Dunbar.

Captain BEVAN recalled into court.

Q. Does he remember being at dinner in company with Sir Robert Fletcher, and captain Nowlan, at Mr. Watts's quarters in March last?

A. No, he does not remember that he ever was.

Mr. JAMES DUNBAR recalled into court, and duly sworn.

Q. Does he remember being at dinner in company with Sir Robert Fletcher and captain Nowlan, at Mr. Watts's quarters in March last?

A. No, he does not remember that he ever was.

Q. Does he remember to have heard captain Nowlan, in the presence of lieutenant-colonel Sir Robert Fletcher, make any declaration respecting the officers, who declined being concerned in the resignation, or having been concerned, retracted?

A. No, he does not recollect to have heard any declaration by captain Nowlan on those subjects.

Captain BEVAN recalled into court.

Q. Did Mr. Dunbar at any time apply to him, to resign his commission, and in what manner?

A. To the best of his recollection these were the words that passed,—Mr. Dunbar said, the officers had



had mentioned to him, that Mr. Bevan had not given in his commission; and desired him to ask Mr. Bevan if he intended to give it; that was about the twentieth of April.

Mr. DUNBAR recalled into court.

Q. Did he at any time in the month of April make application to captain Bevan, to resign his commission?

A. He did.

Q. About what time in April might this be?

A. To the best of his recollection, about the twentieth.

Q. Did he at that time act in any public character in the first brigade?

A. He did.

Q. In what public character?

A. As aide-de-camp to Sir Robert Fletcher.

Q. How long has he been lieutenant-colonel Sir Robert Fletcher's aide-de-camp?

A. He was appointed in October.

Q. By what authority did he ask for captain Bevan's commission?

A. By the authority of the whole corps of officers then present.

Q. In what manner did the officers appoint him for the business?

A. In a general assembly of the officers, it was observed that captain Bevan had not delivered in his commission, and as he lived in the same family with captain Bevan, he purposed to ask him for it; to which the officers agreed.



Q. Does he recollect the time when the officers were assembled on this occasion ?

A. To the best of his remembrance on or about the eighteenth of April.

Q. Did he at any time acquaint lieutenant-colonel Sir Robert Fletcher with the meetings held by the officers of the first brigade, to carry on the business of the resignation ?

A. He did.

Q. What information did he give to lieutenant-colonel Fletcher ?

A. To the best of his recollection, in a private conversation, he acquainted Sir Robert Fletcher, that the officers had had a meeting, and had received favourable accounts from the other brigades.

Q. At what time did he give Sir Robert Fletcher this information ?

A. To the best of his recollection, it was between the eighteenth or twentieth of April.

Q. Did he ever give lieutenant-colonel Sir Robert Fletcher information of the meetings of the officers, prior to the time he has specified in his last answer ?

A. To the best of his recollection he did not ; as he only arrived from Patna about the fourteenth or sixteenth of April.

Q. Did he ever give Sir Robert Fletcher information of the meetings of the officers, on their proceedings before he went to Patna ?

A. He does not question but he did mention it in private conversation in the month of January ;

D

but



but at that time no fixed resolution was formed of resigning.

Q. Did he acquaint lieutenant-colonel Sir Robert Fletcher, that a correspondence was carried on with the other brigades respecting the resignation?

A. He does not doubt but that he has mentioned to Sir Robert Fletcher, that they (the officers) received letters from the other brigades; and also wrote letters to them on that subject.

Q. At what particular time does he recollect to have mentioned the correspondence maintained by the different brigades to Sir Robert Fletcher?

A. Between the eighteenth and twentieth of April.

Q. Did he ever mention it before that time?

A. To the best of his recollection he never did.

Q. Before he asked captain Bevan for his commission, did he acquaint Sir Robert Fletcher with his intentions?

A. To the best of his recollection he did not.

Q. Does he know if Sir Robert Fletcher was acquainted with that circumstance?

A. He does not know.

Q. Was it with lieutenant-colonel Sir Robert Fletcher's knowledge, that he entered into the association with the rest of the officers concerned in the resignation?

A. Sir Robert Fletcher did know of his intentions of entering into it, and advised him against it.



Q. Did ever any conversation pass between him and lieutenant-colonel Sir Robert Fletcher, on the subject of a general resignation?

A. Yes, in the month of January last, Sir Robert Fletcher then told him, that should a general resignation take place, he thought it would be of no prejudice to those officers who merited well, and might be an opportunity of weeding the army. Beyond this, he does not recollect any thing; except lieutenant-colonel Sir Robert Fletcher's having always advised him against the measure.

Captain BEVAN recalled into court.

Q. Did ever any conversation pass between him and lieutenant-colonel Sir Robert Fletcher regarding his own, or a general resignation?

A. Yes, there did.

Q. What was the substance of the conversation or conversations?

A. About the latter end of December or beginning of January, lieutenant-colonel Sir Robert Fletcher came into his room, (he at that time kept his bed), and told him, that he heard that the officers intended to resign their commissions on account of the Batta's being reduced; Sir Robert Fletcher advised him not to enter into it, and to enforce his advice said, he thought it would be rather an advantage than a disadvantage to the officers that expected to rise high in the service, as it would very probably hinder a number of officers coming from Europe over their heads: and



about the twenty-first of April, he informed Sir Robert Fletcher, that he had been applied to for his commission, when Sir Robert Fletcher repeated the same advice he had before given.

The judge-advocate then laid before the court an anonymous letter addressed to lord Clive, as also a letter to the judge-advocate, from Mr. William Bagot, surgeon's assistant, dated the twentieth of August, wherein he acknowledges himself to be the author of the said anonymous letter.

COPIES of both which hereafter follow.

THO' an anonymous letter has but an indifferent appearance, yet your lordship knows that in some cases it may be the only channel through which truth can be conveyed. This is particularly addressed to you, Sir, being here the fountain of justice, from one who feels his own, and the hardships which many of his brother-officers are likely to suffer on this occasion. Be it known then to your lordship, that we have been led into the resignation of our commissions, and therewith our whole support, by a man, who now stands behind the curtain deriding those miseries, which his deluding arguments have brought upon us. The plain matter of fact is this, that when Sir Robert Fletcher found a resignation was not likely to go forward by his private hints and encouragement, he at last ventured to recommend it publicly at a table of a dozen officers, telling them that the brigademajor, and his aide-de-camp, should first set the example,



example, and that their discontents joined to that of the civilians; would inevitably deprive your lordship of all power; adding, that he was well acquainted with the Madras counsellors, who, he was sure, would all join against you. He further attempted to raise our indignation, by saying that the army was insulted, their services rewarded with ingratitude, and that your lordship's design was evidently to reduce us to contempt and beggary: above all things, he beseeched us to be speedy in the affair, lest the Europe-ships should carry home the news of your lordship's having accomplished what had been in vain attempted by other governors. Your lordship's impartiality will now clearly point out who was the more culpable, we for following the advice of our commanding officer, or he, for leading us into this ruinous measure, merely to gratify his private purposes.—Justice and honour do now call upon your lordship, you will not, nay, you cannot, suppress a strict enquiry into this affair, the fate of many innocent people depending upon it: you will then find what is here asserted, confirmed beyond all doubt, with many aggravating circumstances. Your lordship has been imposed on in the account of his conduct to the Ducarrels; it was he alone who endeavoured to promote a combination against them, which, to your lordship, it is apprehended, he made a merit of endeavouring to break. Such other instances could be given your lordship of his duplicity, hypocrisy, injustice, and rapaciousness, as would make a man of common honesty blush to see human nature



ture so degraded in this individual.—If this relation seems exaggerated, bring it to the test.

To captain THOMAS PEARSON.

S I R,

Having seen a letter of yours to Mr. Watts, wherein you say he suffered much by being reputed the author of an anonymous letter to lord Clive, containing heavy charges against Sir Robert Fletcher, I have this day wrote to the general and Sir Robert Fletcher, declaring myself the author of that letter.—My motives for writing it were the ill usage I and many here had received from him.—I did not set my name to it then, because I thought it would be rash to appear his public enemy while he was yet in power.—The opportunity which a public trial must give of clearing up (if possible) the allegations in it, will, I hope in your opinion, take off the censure of an ungenerous attack upon his character.

I am yours, &c.

Monghier,  
Aug. 21, 1766.

Signed WILLIAM BAGOT:

Mr. BAGOT recalled into court.

Question from the anonymous letter.

Q. Does he recollect Sir Robert Fletcher having declared that the army was insulted, their services rewarded with ingratitude, and that it was evidently



evidently the design of lord Clive to reduce them to contempt and beggary, or words to that purpose?

A. These expressions were made use of in the company met at captain Goddard's; but, to the best of his recollection, not by Sir Robert Fletcher.

Q. Does he recollect who made use of these words?

A. He does not.

The court only admitted the anonymous letter to be read, because Mr. Bagot had acknowledged himself the author of it, in a letter to the judge-advocate.—Upon one single question being asked Mr. Bagot, concerning a matter of fact he had affirmed in the anonymous letter, but which he contradicted upon oath, the court came to a resolution of admitting no further evidence from him.

The court then adjourned till to-morrow morning nine o'clock.

Friday the 5th, 1766.

The court met pursuant to adjournment.

Lieutenant-colonel Sir ROBERT FLETCHER brought into court.

James Francis, lieutenant in the first regiment of infantry, being duly sworn, was asked if he was at a conversation which passed some time in December, or January last, in captain Goddard's tent, when Sir Robert Fletcher was present?

A.



A. Yes, he was.

Q. What particulars does he recollect mentioned by Sir Robert Fletcher in that company?

A. Lieutenant-colonel Sir Robert Fletcher asked captain Goddard what he was afraid of? he told him there was a method of getting the Batta again? captain Goddard said, he did not know how; Sir Robert again said there was a method, but it was not his place to point out how. A little time after Sir Robert Fletcher proposed that the officers should all resign their commissions, and serve as volunteers, till an answer should come from the board; and said there were four counsellors come from Madras, and he would be bound to get their interest for the officers; and he then said, that as it was well known to the company, that lord Clive was no friend of his, he hoped that discourse would go no further.

Q. Does he recollect if there was any thing said by lieutenant-colonel Sir Robert Fletcher regarding the sailing of the ships for Europe, as an argument for a speedy resolution?

A. He does not.

Q. Does he know, or did he ever hear, of a report or design of a general resignation of commissions amongst the officers at Monghier, before the time he has mentioned, when Sir Robert Fletcher was present?

A. Yes, he did at the time the orders were given for the reduction of the Batta.

Q. From whom?

A.



A. It was talked of in general amongst the officers of the brigade.

Captain THOMAS GODDARD recalled into court.

Q. Did he declare to captain Smith, aide-de-camp to general Carnac, that lieutenant-colonel Sir Robert Fletcher was the person who induced him to enter into the combination ?

A. He did.

Q. What motive had he for making such a declaration to captain Smith ?

A. The arguments made use of by lieutenant-colonel Sir Robert Fletcher at his table, already given into the court in his deposition ; particularly Sir Robert Fletcher's advancing that the measure could not fail of success, added to his pointing out the readiness of his brigade-major to resign ; and another person telling him, in the presence of Sir Robert Fletcher, that he wanted to get a majority by the resignation of others, or words to that purpose : and that until this time captain Goddard had been always averse to the combination.

Q. Did Sir Robert Fletcher ever express his surprize, that captain Goddard had not joined in the combination, as he thought an officer of his spirit should have been the first to have engaged in it ?

A. He did, or words to that effect.

Q. At what particular time did this happen ?

A. On the day of the conversation at his table.

Q. Who were present at that time ?

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A.



A. The gentlemen who have been already specified to the court.

Q. Was it said publicly at table ?

A. Publicly at table,

Mr. WATTS recalled into court.

Q. Does he recollect to have heard Sir Robert Fletcher express his surprize, that captain Goddard had not joined in the combination; or declare that he thought an officer of captain Goddard's spirit should have been the first to have joined in it, or words to that purpose ?

A. He does not recollect it.

Mr. DUNBAR recalled into court.

Q. Does he recollect to have heard Sir Robert Fletcher express his surprize, that captain Goddard had not joined in the combination; or declare that he thought an officer of captain Goddard's spirit should have been the first to have joined in it, or words to that purpose ?

A. He does not recollect it.

The court then adjourned till Wednesday morning nine o'clock,

Wednesday



Wednesday September 10, 1766.

P R E S E N T the president and members as on Friday last. Major Grant in attendance, as an extraordinary member : captain Thomas Raggall absent, being indisposed.

Lieutenant-colonel Sir ROBERT FLETCHER called into court.

Captain THOMAS ROPER recalled into court.

Q. Does he recollect to have heard lieutenant-colonel Sir Robert Fletcher express his surprize, that captain Goddard had not joined in the combination ; or declare that he thought an officer of captain Goddard's spirit should have been the first to have joined in it ; or words to that purpose ?

A. No, he does not recollect that he ever did.

The evidence in support of the charge being closed, lieutenant-colonel Sir Robert Fletcher proceeded upon his defence.

Mr. PRESIDENT and Gentlemen,

BEFORE I endeavour to vindicate myself from the charges which have been brought against me, I must first beg leave to submit it to your consideration, whether the whole (*if proved*) would



amount to mutiny, the crime of which I am accused? Can officers in the company's service, not bound by any contract, legally resign their commissions, without the consent of the governor and council; or are they guilty of mutiny in doing it? If they are not, can a person be guilty of mutiny by only advising them to do it? Our government itself, I think, has, in a great degree, acknowledged that the officers might resign their commissions, by resolving to oblige them for the future to sign contracts, and by putting the resignation of the officers of the first brigade in public orders at the presidency. But I will not dwell longer on this subject, of which you, gentlemen, must be the best judges, as I am happy in the clearness of my own conscience, and in a confidence that I shall be able to justify my conduct, without having recourse to such arguments.

It is alledged against me, that in a conversation at captain Goddard's, in the end of December, or beginning of January, I made use of many arguments to persuade the officers to a general resignation; and some of the evidences particularly depose, that I pointed out to them the dissensions among the civilians; and observed, that the Madras counsellors were my friends, and would join against lord Clive. The appointment of the Madras gentlemen was not known in Calcutta, till the ninth of January, and consequently could not have been known at Monghier, till the fifteenth or sixteenth. It must have been several days afterwards before the dissensions among the civilians

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could



could have been heard of; and as to the Madras gentlemen joining against lord Clive, they did not take their seats at the board till the twelfth of February.

There is an evident contradiction therefore between part of these arguments and the time they are said to have been made use of. Allowing, however, that the evidences have only been mistaken in the time, and that I really made use of the arguments in question, it must not have been in pursuance of my own opinion, but for reasons which I shall hereafter explain: for I never apprehended that the dissensions among the civilians could make any alteration in the resolutions of the board with regard to the allowances of the military; nor could I ever have been so absurd, as really to imagine, that the Madras gentlemen could possibly have suffered themselves, in contradiction both to their duty and their interest, to be influenced in such an affair by friendship for me: to which I may add, that I never wrote to them on the subject, as I must necessarily have done, if I had really meant to influence them.

The governor and council having thought proper to reduce the Batta, loud complaints were made by the officers; various schemes were proposed for the recovery of it, and amongst others a general resignation was talked of in the month of January, not only at Monghier, but, as I have been informed, at Patna and Illahabad also, and even in Calcutta. When these rumours came to my hearing, I spoke to lieutenants Bevan, Dunbar, and

Kyd



Kyd on the subject, and used my utmost endeavours to dissuade them from joining in such a step, not doubting, if I had succeeded with them, but that many others would have been induced to follow their example. I observed to them that such officers as had the allowances attached to double posts, (which included adjutants, quarter masters, and seapoy subalterns) would more particularly incur the displeasure of the governor and council; but all was in vain: they told me that they were determined to resign with the rest. The same advice I often repeated afterwards; but it was always to no purpose. Finding therefore that I could not prevail upon these gentlemen, who, being in my family, and enjoying double posts, would be the least affected by the reduction of the Batta, and over whom I had more influence than over any others, and seeing to what a violent degree the officers in general were exasperated, I thought the best thing I could do for the public good was to dissemble my own opinion; to try to keep in their confidence till they had come to some final resolution; and to moderate the rage with which they were actuated. To have endeavoured to stem the torrent would have been productive of no other consequence than that they would have proceeded in their own way, without letting me know any thing at all of the matter. I remembered the violence with which they had engaged during the months of March, April, and May 1765, in an association for resigning on a much more trifling cause (the  
 affair



affair of captain M'Pherson) and at a time when the war with Shuja Dowla was unfinished.

As captain M'Pherson's appointment to this establishment, in a station which another gentleman resigned, in order to make room for him, drove them to such extremities, and as they persevered in them, even after captain M'Pherson had, for the sake of peace, voluntarily consented to have his former appointment annulled, and to come in as youngest captain, what might not have been expected from them in the present case, when they were deprived of advantages which they had ever before enjoyed, and when numbers of them were involved in debts, from which they had no prospect of extricating themselves, and were really reduced to much distress by the scantiness of their allowances? Unreasonable as that association was, it is a matter of great doubt whether it would not have been carried on to the most dangerous lengths, had not lord Clive's arrival, the high opinion which the officers in general entertained of him, and his particular influence over several individuals, fortunately put a stop to it. Thus convinced that it really was not in my power to stop the officers in their career, I at the same time thought that their resignation, if carried on in so moderate a manner as not to occasion any disturbance among the troops, would rather be an advantage than a detriment to the service. Immediately upon my joining the army on this establishment in October 1764, I remarked with much concern the great want of order and subordination amongst many of the



the officers. My endeavours to effect a reformation, as far as lay in my power, have been unintermitted ; and it is well known how continually I have complained of the trouble I met with from the obstinacy and licentiousness of some of them, and how happy a circumstance I thought it would be for the good of the service if such could be got rid of. Finding admonitions useless, I deemed it necessary to have recourse to courts martial, in order to enforce discipline in the brigade which I commanded, and to prevent the officers from absenting themselves from their duty. For this I received a check from my superiors, and was informed by general Carnac, in a letter he wrote to me the sixth of November, that " he would have courts martial reserved for heinous crimes only, and such as merited exemplary punishment." My hands being thus tied up, I began to despair of introducing the discipline which I so much wished for ; and therefore when the officers talked of resigning, I comforted myself with the hopes, that that step, if carried on with moderation, would at least be productive of one good consequence ; that it would be the means of weeding the army of those gentlemen, who most obstructed the effecting of the necessary reformation. I doubted not but his lordship, &c. would think it requisite to oppose with firmness the demands of the officers, who, when they found they could not carry their point, would be glad to accept of their commissions again : they might wish to make their own terms ; but as the sole dependence of many of them



them was on the company's service, they must in the end be obliged to content themselves with what terms they could get. Whilst such were my sentiments, I was informed by lieutenant Kyd, that captain Goddard seemed averse to join in the scheme of resignation, which was then carrying on; and that his reason was supposed to be his not having been so particularly consulted on the occasion, as from his rank in the service he thought he had a right to expect. I expressed my surprize at his not being engaged in it, and said, that I imagined he would have been the foremost in all such undertakings; and, to the best of my recollection, lieutenant Kyd at the same time observed to me, and I agreed with him in opinion, that it was not likely he would long persist in his present resolution. During the course of my acquaintance with him, I had so many proofs of the violence and fickleness of his disposition, that I made not the least doubt but he would heartily join with the rest of the officers the moment they paid him the compliment he thought his due. I remembered how readily he had entered into the former association in 1765; and I recollect having seen his name signed to it in letters most distinguishingly large, by way of shewing, I imagine, how much he gloried in the measure. Two or three days after this conversation with lieutenant Kyd, I dined at captain Goddard's, in company with captains Roper and Parker, and lieutenants Watts, Dunbar, Francis, Ironside, and Mr. Bagot, I think about the twentieth or twenty-fifth of January. After din-



ner captain Goddard suddenly addressed himself to me in the following words, or words to the same purpose ; “ What would you do if we were to “ leave you alone with the brigade ?” I answered, that I did not think that would be a good scheme ; that however there was a method for the recovery of their Batta, but it was not my business to point it out. Inquiry being then made of me what that method was, I advised that they should send in their commissions to me at the beginning of a month, and serve as volunteers without pay, till the determination of the governor and council should be known. Captain Parker, who sat at the lower end of the table, here interrupted me, by calling out to captain Goddard that, “ he smelt a majority ;” upon which he seemed much offended, and replied, that his not being consulted as oldest officer in the brigade, was rather slighting him. I then told captain Goddard, that I thought there was nothing to fear, and that the officers would probably carry their point if they acted prudently, and finished their business before the sailing of the Europe ships : I afterwards mentioned some other reasons (but what I do not recollect) why it appeared likely that the Batta might be restored, if the officers consented to serve as volunteers ; and I told them that upon that condition, I would accept of their commissions. This, to the best of my recollection, is an exact account of the conversation which then passed ; and when the company broke up, I desired that what I had there said might go no further, to which I think captain Goddard



Goddard promised upon his honour that it should not. I have already mentioned the opinion which I had before conceived of the violence with which the officers were disposed to act; and such a question as that which I have just related being so publicly put to me, gave me additional cause to be alarmed. Not doubting therefore the propriety of the resolution I had formed, in consequence of my not being able to dissuade even the gentlemen of my own family from joining in any schemes of resignation, I used my endeavours to prevail upon them, instead of leaving me at once, to serve as volunteers, till the pleasure of the governor and council should be known. I concluded that between the time of their lodging their commissions in my hands, and their receiving a final answer from the governor and council, many of them would reflect more seriously upon what they were about, and apply for their commissions again. I knew also that it would at least give me time to take measures with the non-commissioned, and black officers, for preventing any disturbance among the troops, and afford some leisure to the governor and council to supply their army, if necessary, by giving commissions to free merchants, and by sending for officers from the other presidencies.

It was with these views only I said at captain Goddard's, that the officers, if they would adopt the plan I proposed, would probably carry their point. That such was not my real opinion, must appear beyond contradiction from my avowed sentiments during the former association; and



what I said to different gentlemen during the present one. As to my persuading the officers to do whatever they were determined upon before the latter ships were dispatched, I had several motives for doing it, with which I believe it is needless to trouble the court: the most powerful one was the consideration of the profound tranquillity which then reigned throughout the provinces, and which there was no prospect of any enemy to disturb. I deemed it certain that the officers would attempt the recovery of their Batta, and thought there could not be a time less likely for such an attempt to be productive of any mischief to the public. My desiring that what I said at captain Goddard's might go no further, is insinuated as a proof that I was sensible I had been acting in an unjustifiable manner; but it proceeded merely from recollecting a little that what I had said, might perhaps, if known, be misconstrued to my disadvantage; and my present situation, the being accused of mutiny, for a matter in which I acted for the public good, has too well convinced me, that I ought to have been more upon my guard. After this, I heard nothing more of the matter, but various unsettled reports, till about the twentieth of February, when they finally determined to address the governor and council; their representations were accordingly forwarded about the twenty-fifth.

From that time I was totally ignorant that any other schemes were carrying on till about the twentieth of April. Lieutenant Dunbar then informed me, that the officers both of the first and third



third brigades had determined on resigning their commissions; and that he had agreed to the resolution. I reprimanded him in the strongest manner for entering into such an association without my knowledge, and contrary to my repeated advice; I told him how little probability there was of the officers carrying their point, and used many arguments both with him and all others, with whom I had any influence, to dissuade them from persevering in it. As to captain Bevan, it was not in his power to give me much intelligence: having refused to join with them, he was not acquainted with their proceedings, nor could advise me of any thing but by hear-say. After the twentieth, it began to be reported that the officers of the second brigade had engaged in a like association; but I do not recollect hearing any thing certain of them till the twenty-fourth or twenty-fifth, when, talking with a gentleman who had joined with the rest, and pretending to be acquainted with every thing before, I learned that circumstance, and several others from him; particularly, that the first of May was the day fixed upon for resigning; and that the officers had some thoughts of serving as volunteers, till the pleasure of the governor and council should be known. Whilst this association was carrying on, the officers concealed from me with the utmost care their meetings and all their measures, and were extremely enraged when they found that I had received some information concerning them; a strong proof that all I said at captain Goddard's was not sufficient to pro-



cure me their confidence ; and that they by no means looked upon me as a favourer of their proceedings.

The particulars of what happened after this period, it is needless for me to relate. It is well known with how much care I used every possible precaution to prevent any mischief from happening when the officers should leave their brigade ; at the same time that both by letter and word of mouth I constantly declared myself perfectly secure on that head, and how active I was in bringing back the European troops to their duty, when on the fourteenth of May they took to their arms, and seemed disposed to follow their officers, in consequence (as they themselves declared) of their having been made to believe that I was going with them.

I will not trouble the court with any remarks on the justness of my opinion concerning the spirit of violence with which the officers in general were actuated, as so many incontestible proofs of it have since appeared ; but I must beg leave to mention a few circumstances, in order to evince how true were my sentiments of captain Goddard, and how improbable is his assertion, that he should not have joined in the association, had not I persuaded him to it. He made himself a member of a secret committee to carry on a correspondence with the other brigades, and offered to carry off his battalion, if the rest would do the same, declaring that he was sure it would follow him all over India. About the twelfth of May, taking a ride in my chaise with captain Bevan, I stopt at a tope  
where



where captain Goddard was, and in the course of conversation having expressed my opinion that lord Clive would never give up the point to them, he answered, " by using some expressions \*, which " I repeated to captain Bevan immediately, which " the more convinced me of his violence." After these instances of his ungovernable temper, let it be considered whether it is not much more likely that he was induced to join with the rest by his own disposition, than by the few arguments I used at his table, where I should not have said any thing at all, had I not been apprehensive of greater violence both from him, and from the rest of the officers; and had not he in a manner obliged me to do it, by asking me the question I have related. If he acted in pursuance of my advice, why did he so carefully conceal from me all the measures that were carrying on in April? and why did he strictly enjoin serjeant Hardy, who was employed to copy some of their select committee's letters, to be particularly careful that I did not come to the knowledge of them? As to captain Goddard's assertion, that I pointed out to him in the chaise captain Bevan's readiness to join in the association, and Mr. Bagot's, that at captain Goddard's table, I told them Messieurs Bevan and Dunbar should be the first to resign, they are certainly mistaken: I am very sure that I never did any such thing. Indeed, it is not to be conceived that I should; for I all along used my utmost endeavours to prevent

\* " By God, if every one was of my mind, he should do it, or lose his life."—Altered by desire of the court, contrary to my inclination.

those



those gentlemen from having any concern in the measures that were taken ; and I cannot but think it a little strange that Mr. Bagot, who sat next to captain Parker, at the lower end of two tables, whilst captain Goddard and I sat at the upper end, should be the only person to remember so remarkable a circumstance.

Captain Goddard's assertion relative to memorials that had been presented, must also be a mistake : the conversation in question happened about the twentieth or twenty-fifth of January ; and the first memorial presented was dated about the twenty-fifth of February. I do not recollect, indeed, that memorials were at all mentioned : however, it is a matter of no consequence, for if they had, I should certainly have advised against them, as I concluded that lord Clive and the council would not report their resolution ; and imagined that the officers, who seemed determined upon the recovery of their Batta, would only be exasperated the more.

Captain Goddard must also be mistaken in what he mentions of my advising the scheme to be put in execution before the next ships sailed, "*as their carrying home accounts of the Batta being reduced, would strengthen his lordship's interest so much, that it would be impossible to attempt the recovery of it afterwards.*" The Grenville and Kent, which carried the news of the reduction of the Batta, were dispatched the twenty-ninth of January, and it was thought would have been dispatched much earlier ; so that it was impossible for any scheme to have been  
been



been put in execution in time. To this I may add that I can bring proofs, if necessary, that I have not been actuated by that spirit of party, which captain Goddard seems to insinuate.

I am astonished at captain Goddard's asserting, that he wanted to make known the circumstances of his present deposition to lord Clive and general Carnac, but was prevented by being ordered away from Monghier. After the conversation which I have already mentioned to have passed between us the twelfth or thirteenth of May, he told me that he intended going to Patna. Being very glad to get rid of him, I encouraged him in his intention, and advised him to go that very evening. Soon after leaving him, I met captain Pearson walking with another gentleman, and told him, that I should send orders to major Champion, to appoint him to the command of captain Goddard's battalion. To the best of my recollection, while I was talking with captain Pearson, captain Goddard came galloping up, and said, he had altered his mind, and would not go to Patna; I told him he was very fickle, and then proceeded on to Monghier. In the evening he came into the fort, in contradiction to express orders which had been given out, that no officer should leave the detachment. Apprehending that he was come with some bad design, I placed hircarrahs (*black spies*) upon him, to give me intelligence of what he was about; and some time afterwards, finding that he did not go out of the fort of his own accord, I sent captain Smith to order him out. The next morning



in consequence of directions I had received from lord Clive, to send down to Calcutta such of the captains as had been most active, I ordered captain Goddard, and five other officers, to prepare themselves to set out for Calcutta, at five o'clock in the afternoon. An hour or two afterwards I received another letter from lord Clive, "hoping that the officers would remain upon duty till his arrival;" whereupon I immediately wrote a letter addressed to captain Goddard, and the other officers, requesting that they would stay till his lordship's arrival, which I assured them would be the next day. I soon after met captain Goddard in one of the squares, engaged in altercation with captain Stainforth, whom he accused of intending to stay behind the rest of the officers. After some other conversation, I asked him whether he had shewn my letter to the officers? He told me, that I should soon have an answer to it. Some time after, while I was sitting at dinner, he came to me with captain lieutenant Skinner. I asked them if the officers intended complying with my request? captain Skinner told me that he believed they would; upon which captain Goddard immediately said to him, "answer for yourself, I do not believe they will." I asked him who would not, he replied, "captain Goddard will not." I have since been informed, that at the meeting which was held to consider of it, he declared that if nobody else would go, he would go alone. These circumstances I have mentioned thus particularly, in order to shew how little foundation there is for his asserting



asserting that he was prevented from informing Lord Clive, &c. by being ordered away from Monghier.

As to my expressing surprize that an officer of captain Goddard's spirit did not join in the resignation, I do not recollect that such an expression was made use of by any body, much less can I conceive that it was by me, at the conversation held in captain Goddard's tent.

It is very true that about the thirtieth of April, I told captain Goddard, that I knew of all the meetings of the officers, and what passed at them. Some particulars came to my knowledge, as I have already related, about the twenty-fourth or twenty-fifth of April, and some about the twenty-seventh; I have since learned however, that there were many other circumstances with which I was then unacquainted.

Whether captain Nowlan ever made the speech which Mr. Watts mentions, I do not know; but I am certain that I never heard him.

I do not recollect that lieutenant Dunbar ever informed me before he went to Patna, of more than one meeting, and that was in the month of January.

There is one circumstance which I must take the liberty of mentioning by way of a proof, that I have the good of the service at heart, and am not capable of advising any measure detrimental to it, to gratify my private purposes. I offered to pay out of my own pocket the penalty bonds of six gentlemen, captain Stainforth, lieutenants



Shrimpton, M'Pherson, Dunbar, Kyd, and ensign Patton, amounting to twenty-four thousand rupees, in order to induce them to quit the association; although I was at the same time sensible of its being very uncertain whether or not those gentlemen would ever be able to repay me.

I am sorry to have troubled the court with so long a detail, nor should I have done it, had not I judged it necessary, in order to shew how much the whole tenor of my conduct contradicts the charge which has been brought against me. I have only one thing more to remark, that in the conversation which passed at captain Goddard's, I never advised any association, much less such violent ones as afterwards took place; and that I have often expressed my opinion, that the officers who were determined upon resigning, should have sent in their commissions one by one, instead of combining to do it in a body.

Mr. George Vansittart, factor in the company's service, being duly sworn, was asked by lieutenant-colonel Sir Robert Fletcher, what he knows of complaints made by him of the irregularities of the officers, and his wishes to get rid of some of them for the public good?

A. During the time he was with Sir Robert Fletcher, in the months of January and February 1765, he has often heard him complain of the irregularities of many of the officers, and their inattention to their duty; and he has frequently repeated the same complaints in letters, which he  
has



has received from him in the course of the year 1765.—As to wishing to get rid of some of them for the public good, he is certain that Sir Robert Fletcher often spoke of the great plague and trouble he met with from some of them, and the difficulty of getting them to comply with their duty; and that he understood, from the general tenor of Sir Robert Fletcher's words and letters, that he did wish to get rid of them, that he might the more easily establish a proper discipline.

Q. What sentiments has lieutenant-colonel Sir Robert Fletcher declared to him regarding associations in general, and particularly that in 1765, and when?

A. As to the late association he never wrote to him for or against it. With regard to the association in 1765, he wrote to him on the fourteenth of May, that he entirely disapproved of it; and that the governor and council must either support their authority or give it up.

Q. What sentiments has Sir Robert Fletcher declared to him regarding civil disputes, and when?

A. In November 1765, he received a letter from Sir Robert Fletcher, mentioning his having heard of the disputes at the board, and wishing that all dissensions were put an end to here for the public good, as peace and unanimity were established at home. This is the only letter he remembers to have received from Sir Robert Fletcher on civil disputes.

Q.



Q. Did' he ever hear captain Goddard make any remarks on the reduction of the Batta, and the officers serving as volunteers ?

A. He does not recollect to have heard captain Goddard declare his opinion of the reduction of the Batta ; he remembers a few days after his arrival in Calcutta, his speaking of the officers serving as volunteers as a measure that had obstructed their success.

Captain BEVAN recalled into court.

Q. By Sir Robert Fletcher.—Did not lieutenant-colonel Sir Robert Fletcher before he dined at captain Goddard's advise him, in the strongest terms, not to be concerned in the resignation ?

A. Yes, he did.

Q. Did not Sir Robert Fletcher in the month of January or December last, assure him he should be no loser by the reduction of the Batta, as he would take care to make it up to him another way ?

A. He did some time in December, before the time he advised him against resigning.

Q. Did he not about the same time acquaint him that he would do the same for the rest of his family, lieutenants Kyd and Dunbar ?

A. To the best of his knowledge he did.

Q. Notwithstanding all Sir Robert Fletcher's arguments against a resignation, did not he (captain Bevan) tell him that he could not but resign with the rest ?

A.



A. He believes he did in the month of January, when he came into his room?

Q. Has not Sir Robert Fletcher always complained heavily of the irregularities of the officers, and wished heartily to get rid of some of them, in hopes of reforming the rest thereby?

A. He has frequently complained of the irregularities of the officers, and to the best of his knowledge, he has wished to get rid of some of them, in hopes of reforming the rest.

Q. Did he dine with lieutenant Shrimpton the same day Sir Robert Fletcher dined with captain Goddard in January last?

A. He believes he did.

Q. Did he ever hear mention made of an intention of the officers to serve as volunteers before that day?

A. He does not remember he ever did.

Q. In January, when the officers of the first brigade complained of the reduction of the Batta, did not they seem determined at all events to recover it, or quit the service?

A. He imagined so at that time.

Q. When it came to Sir Robert Fletcher's knowledge in April, that the officers had engaged in an association, did he not express his surprize at its being carried on without his knowledge?

A. To the best of his recollection he did.

Q. Did Sir Robert Fletcher then express his firm belief that a resignation of commissions had been entirely laid aside?

A. He believes he did.

Q:



Q. At or about the time he was applied to for his commission, did Sir Robert Fletcher tell him that he could not then believe the resignation would actually take place?

A. He believes he might say so a day or two after.

Q. Towards the latter end of April, did he hear Sir Robert Fletcher use arguments with lieutenant Knott to prevent his joining with the rest?

A. Yes, he did.

Q. On the morning when Sir Robert Fletcher heard that the officers here had written to Madrafs, to prevent the officers of that establishment from coming to Bengal, did he not immediately write a letter to his brother, and forward it to lord Clive?

A. Yes, he did.

The original letter, which was laid before the court, is as follows.

My dear BROTHER,

HAVING this moment been informed that letters are written to Madrafs, by some of our military gentry, advising those of your establishment, that an association will certainly take place here for resigning all commissions, unless the double Batta be restored, and representing to you the hardships of the service in such strong colours, as to prevent, if possible, your complying with orders that may be sent for the removal of some of



your officers hither; I must intreat you by every tie, public as well as private, to exert yourself in rendering such letters ineffectual; and to prevail on your brother-officers to fly to Bengal with the same zeal and cheerfulness, as if you were taking a voyage for the defence of your native country.

I remain, &c.

Monghier,  
May 3, 1766.

(Signed)

ROBERT FLETCHER.

Question by Sir Robert Fletcher.—On the twenty-fourth or twenty-fifth of April, did not Sir Robert Fletcher tell him that he had received private intelligence from a gentleman that the officers were to deliver in their commissions to him on the first of May?

A. He believes he did.

Q. A day or two before the resignation, did Sir Robert Fletcher tell him that he had intelligence of an intended mutiny; but that he was confident he could prevent every thing of that kind?

A. He told him of the intended mutiny; but he does not recollect his saying he was confident he could prevent every thing of that kind.

Q. In what manner did he mention it?

A. He told him he had heard of an intended mutiny; but could give no credit to the report, or words to that purpose.

Q. Did Sir Robert Fletcher often tell him in April and May; that lord Clive would never give up the point to the officers?

H

A.



A. After the thing became public, he often heard him say it was his firm belief, that lord Clive would never give up the point to the officers.

Q. After the resignation took place, did Sir Robert Fletcher frequently tell him that his lordship had got a fine opportunity of weeding the army, which would be of great advantage to the service?

A. He believes he has mentioned it to him.

Q. The twelfth or thirteenth of May, when Sir Robert Fletcher, and he (captain Bevan) rode out in the chaise, did they not stop in the tope, where captain Goddard was encamped, when Sir Robert Fletcher talked to captain Goddard in private about eight or nine minutes, and immediately returned to his chaise?

A. Yes, he did.

Q. Soon after Sir Robert Fletcher's return to the chaise, did he not inform him that captain Goddard had asked leave to go to Patna, as he said, to avoid seeing lord Clive and general Carnac, and that he had not only granted it, but urged his setting off that very evening; also that he said he was happy in the thought of having captain Pearson at the head of his battalion?

A. To the best of his recollection Sir Robert Fletcher did tell him so, or words to that purpose.

Q. When captain Goddard came into the fort that night, contrary to orders, did not Sir Robert Fletcher express his fears that he would be about



no good, and order captain Bevan to place his carrahs or spies over him?

A. He did.

Q. Did not Sir Robert Fletcher soon after send him positive orders to quit the garrison, and return to his detachment?

A. He remembers Sir Robert Fletcher's sending captain Smith, he believes, with orders to captain Goddard to quit the garrison.

Q. Did not Sir Robert Fletcher that night send secret orders to major Champion, to be watchful over captain Goddard's battalion?

A. Yes, he did. Captain Bevan wrote the orders.

Q. In the month of January and afterwards, has he not often heard Sir Robert Fletcher speak of captain Goddard in very unfavourable terms?

A. He believes both before and after that time, he has heard him speak unfavourably of captain Goddard.

Q. Did not Sir Robert Fletcher give it as his opinion towards the latter end of April, that lord Clive would find no difficulty in getting as many officers to return to the service as he pleased?

A. He believes he did.

Q. On the fourteenth in the morning, after Sir Robert Fletcher had ordered captain Goddard and some other officers to prepare to set off for Calcutta by five o'clock that evening, did he not write a letter to captain Goddard, and the rest of the officers of the brigade, requesting it as a favour, they



would remain till next day, when he assured them his lordship would arrive ?

A. Yes, he did.

Q. In the month of January, when Sir Robert Fletcher advised him against joining in the resignation ; did he not tell him, that those in particular who enjoyed double posts would incur the displeasure of the governor and council, and not be readmitted into the service ?

A. He believes he did.

Q. After the first of May, when the officers had given in their commissions to Sir Robert Fletcher, did he not express his surprize that they had sent them in a bundle ; observing that he expected that every one would have given in his own, or words to that purpose ?

A. To the best of his knowledge he did.

The court then adjourned till to-morrow morning nine o'clock.

Thursday



Thursday September 11, 1766.

The court met pursuant to adjournment.

Present, the president and members of yesterday,

Lieutenant-colonel FLETCHER called into court,

THE hon. Charles Stuart, writer in the company's service, being duly sworn, was asked by lieutenant-colonel Sir Robert Fletcher, if he had not often heard him complain of the licentiousness of many of the officers, and wish to get rid of some of them, in hopes thereby of establishing discipline and good order among the rest?

A. He has, particularly in the month of November, 1765.

Captain Henry Watson, quarter-master-general, being duly sworn, was asked by Sir Robert Fletcher, if he had not often heard him complain of the licentiousness of many of the officers, and wish to get rid of some of them, in hopes thereby of establishing discipline amongst the rest?

A. He has often heard Sir Robert Fletcher complain of the irregularity of the officers of the first brigade, and their inattention to his orders: this was a little while before the association, and he even heard him mention the same some months before



fore that time : the latter part of the question he cannot charge his memory with.

Mr. JAMES DUNBAR recalled into court.

Questions by Sir Robert Fletcher.—While he acted as Sir Robert Fletcher's aide-de-camp, did he (Sir Robert Fletcher) not often express his uneasiness to him on account of the irregularity of some of the officers of the first brigade ?

A. He did.

Q. Did not Sir Robert Fletcher frequently say, that he was determined, at all risques of his own peace and quiet, to effect a reformation, or words to that effect ?

A. He did.

Q. In the month of January, before he dined with Sir Robert Fletcher, at captain Goddard's, did not Sir Robert Fletcher tell him, that if those that held double posts resigned the service, they in particular would not be readmitted ; or words to that purpose ?

A. To the best of his recollection he did.

Q. Did not he tell Sir Robert Fletcher, that he could not subsist without his double post, or words to that effect ?

A. To the best of his recollection he did.

Q. When he told Sir Robert Fletcher in the month of April, that he had agreed to join the rest of the officers engaged in the resignation ; did not Sir Robert Fletcher reprimand him for so doing in the strongest terms, and tell him, that he expected



expected a very different conduct from him and Mr. Kyd; or words to that purpose?

A. He did.

Q. Does he remember how near to captain Goddard he sat the day he dined in his tent with Sir Robert Fletcher?

A. To the best of his recollection he sat next to captain Parker, who sat next to captain Goddard.

Q. What does he remember of the conversation that passed between captain Goddard and Sir Robert Fletcher?

A. The first thing that passed was, captain Goddard's asking Sir Robert Fletcher, what he would do supposing all the officers of the brigade were to leave him? to which Sir Robert Fletcher replied, that would not be a good scheme. He said; better give in your commissions to me, and serve as volunteers till the pleasure of the governor and council is known; and then a little after this Sir Robert Fletcher said, that if the officers resigned before the ships sailed for Europe, it was probable they would carry their point; or words to that purpose.

Q. Did captain Goddard assign any reason for his not joining the officers sooner?

A. He understood from captain Goddard's conversation, that he thought himself ill used in not being consulted on the occasion, he being the oldest captain present.

Q. Did he not hear Sir Robert Fletcher, in January last, advise lieutenant Kyd against resigning the service?



A. To the best of his recollection he did hear Sir Robert Fletcher give lieutenant Kyd advice on that head.

Q. Was he present at a meeting of the officers, when upon Sir Robert Fletcher and captain Bevan passing through the square where it was held, the doors were immediately shut, and the lights put out, to prevent its coming to Sir Robert Fletcher's knowledge?

A. He was.

Mr. JAMES WATTS recalled into court.

Questions by Sir Robert Fletcher.—Did he hear captain Goddard say as a reason for his not joining sooner with the officers in the resignation, that he thought himself slighted in not being particularly consulted, as the oldest officer?

A. He did hear captain Goddard say so, or words to that purpose.

Q. Before the officers left Monghier, did he not hear captain Goddard say it was the officers own faults if they did not carry their point; or words to that effect?

A. He has heard captain Goddard make use of some such expressions, but before whom he cannot tell.

Q. A little before the first of May, has he heard any officer say that they were apprehensive Sir Robert Fletcher would make them prisoners, and not accept of their commissions?

A.



A. He has heard some officers say so, but he does not remember who.

Q. If the public officers of Sir Robert Fletcher's family had not entered into the association, what effect would that have had upon his conduct?

A. He cannot pretend to say what effect their example might have had upon him, before he had engaged himself in the association; but after he had, neither their example, nor what Sir Robert Fletcher could have said, would have prevented him from adhering to his engagements.

Q. Did Sir Robert Fletcher dine with him at his house more than once during the time he was at Monghier?

A. He dined with him only once.

William Patten, ensign in the first regiment of infantry, being duly sworn, was asked by Sir Robert Fletcher, if the public officers of his family had not entered into the association, what effect would that have had upon his conduct?

A. He would not have entered into it.

Q. In the beginning of January, when the officers first had a meeting, was any reason assigned why captain Goddard did not join with the rest?

A. The reason given by the officers was, that captain Goddard thought he should have been particularly consulted; and as he was the oldest captain, expected the rest should have met at his tent.

Q. Did not Sir Robert Fletcher send for him about the twenty-second of April, and advise him to have no concern in the association?

I

A.



A. Yes, he did.

Q. Did not Sir Robert Fletcher propose to advance him five hundred pounds, in order that he might pay the penalty-bond, provided he would disengage himself from the association ?

A. Yes, Sir Robert Fletcher did offer to advance him the money several times ; but he could not accept the offer, as he considered himself further bound.

Q. When the officers were carrying on the schemes of resignation, did they use much precaution to keep them from coming to Sir Robert Fletcher's knowledge ?

A. Yes.

Q. Towards the end of April, when the officers first knew that their proceedings were come to the knowledge of Sir Robert Fletcher, did they not seem much afraid of the consequence ?

A. Yes, they were afraid of being sent down to Calcutta.

Q. Did they express great resentment against the informer ?

A. Yes.

Q. On the fourteenth of May, when the officers were deliberating upon the letter of Sir Robert Fletcher, requesting they would stay till the arrival of lord Clive ; what did he hear captain Goddard declare ?

A. He heard captain Goddard say, that though all the officers should agree to stay, he would go away alone.

Q.



**Q.** When Sir Robert Fletcher advised him against resigning, did not he tell him that as he enjoyed a double allowance as a seapoy officer, he would, by quitting the service, so far incur the displeasure of the governor and council, as never to be admitted into the service again ; or words to that effect ?

**A.** Yes, he did.

**Q.** Allen M'Pherson, lieutenant in the first regiment of infantry on the Bengal establishment, being duly sworn, was asked by Sir Robert Fletcher, if the officers did not seem determined to have the Batta restored, or to quit the service ?

**A.** Yes, they did.

**Q.** If the public officers of Sir Robert Fletcher's family had not entered into the association, what effect would that have had upon his conduct ?

**A.** He thinks if they had stood out, he should not have engaged in it.

**Q.** Did not Sir Robert Fletcher send for him between the twentieth and twenty-fifth, and advise him to have no concern in the association ?

**A.** Yes, he did.

**Q.** Did not Sir Robert Fletcher send for him again in May, and advise him by no means to suffer his brother to leave the brigade, and at the same time offer to advance him money to pay the five hundred pounds penalty, which he would be liable to incur by retracting ?

**A.** Yes, he did.



John Shrimpton, lieutenant in the first regiment of infantry on the Bengal establishment, being duly sworn, was asked by Sir Robert Fletcher, if he did not send for him between the twentieth and twenty-fifth of April, and assure him it was his opinion that lord Clive would never give way to the combination of the officers ?

A. He did about that time.

Q. Did he not tell Sir Robert Fletcher, that he could not retract at that time ?

A. To the best of his knowledge he did.

Q. Some time in the beginning of May, did not Sir Robert Fletcher offer to advance him money to pay the five hundred pounds penalty, which he was liable to incur by retracting ?

A. He did.

Captain THOMAS-FREDERIC SMITH recalled in-  
to court.

Questions by Sir Robert Fletcher.—What did he observe of Sir Robert Fletcher's conduct during the time he was at Monghier between the eleventh and seventeenth of May, 1766, in regard to his preventing and quelling disturbances amongst the officers and soldiers ?

A. It was in every respect becoming the character of a good officer.

Q. Did not Sir Robert Fletcher send him with positive orders to turn captain Goddard out of the fort of Monghier ?

A. He did.

Q.



Q. On the fourteenth of May, about dinner-time, did he see Sir Robert Fletcher shew captain Goddard lord Clive's letter, requesting the officers to stay till his lordship's arrival at Monghier?

A. He did.

Moses Crawford late surgeon's-assistant, now ensign in the first regiment of infantry on the Bengal establishment, being duly sworn, was asked by Sir Robert Fletcher, if he did not send for him on the fourteenth of May, and use many arguments with him to accept of a commission?

A. Yes, he did send for him twice, and made use of several arguments, which at last induced him to enter into the army.

Q. Did not Sir Robert Fletcher appoint two serjeants to act as officers at the same time?

A. Yes, he did.

Philip Mushard, lieutenant firewoker in the first company of artillery, being duly sworn, was asked by Sir Robert Fletcher, if he did not send for him on the fourteenth of May, at which time he was a conductor of artillery; and also for Mr. Rashfield, another conductor of artillery, and offer to appoint them to act as officers?

A. He did.

Mr. JAMES DUNBAR recalled into court.

Questions by Sir Robert Fletcher.—Did he dine with Sir Robert Fletcher the day he dined with Mr. Watts?

A. Yes, he did.

Q.



Q. Did he then, or at any other time, hear captain Nowlan declare in the presence of Sir Robert Fletcher, that any officer who refused to resign, or who having engaged to resign, retracted, deserved to be hanged or shot; or words to that purpose?

A. No, he never did.

James Crawford, lieutenant in the fourth battalion of seapöys, being duly sworn, was asked by the court what orders he received from Sir Robert Fletcher?

A. He received orders to join the brigade with all possible expedition.

Q. Of what date were these orders?

A. Of the tenth or eleventh of May.

Q. When did he receive them?

A. On the thirteenth.

Q. When did he begin his march?

A. On the thirteenth, in consequence of orders from Lord Clive, dated the ninth; he received Sir Robert Fletcher's orders in the evening.

Q. When did he arrive at Monghier?

A. The seventeenth.

Q. What is the distance of his post from Monghier?

A. Between fifty and sixty coss.

Questions by Sir Robert Fletcher.—On his arrival at Monghier, did not Sir Robert Fletcher use many arguments with him to continue in the service?

A. He did.

George



George Brown, lieutenant in the first regiment of infantry, being duly sworn, was asked by the court where he was stationed the first of May ?

A. At Jarrapou.

Q. What orders did he receive from Sir Robert Fletcher, for recalling him to Monghier ?

A. Sir Robert Fletcher's orders to return thither.

Q. When did he arrive at Monghier ?

A. On the sixteenth or seventeenth of May.

Question by Sir Robert Fletcher.—On his arrival there, did not Sir Robert Fletcher use many arguments with him to remain in the service ?

A. He did.

Alexander Hardy, late ensign of the first, now of the second, regiment of infantry on the Bengal establishment, being duly sworn, was asked by Sir Robert Fletcher, what injunctions he received from captain Goddard, to conceal from Sir Robert Fletcher, the correspondence which the officers of the first brigade maintained with the second and third ?

A. He copied a letter for captain Goddard, addressed to the officers of the third brigade; and captain Goddard enjoined him to conceal the contents of it from every one, and particularly from the colonel.

Q. Whom did he suppose captain Goddard meant by the colonel ?

A. Lieutenant-colonel Sir Robert Fletcher.

The court then adjourned till to-morrow morning nine o'clock

Friday



Friday September 12, 1766.

The court met pursuant to adjournment.

Present, the president and the rest of the evidences  
as yesterday.

Lieutenant-colonel Sir ROBERT FLETCHER brought  
into court.

MR. Thomas Carnagie, surgeon to the Patna factory, being duly sworn, was asked by Sir Robert Fletcher what he heard publicly talked of in Calcutta, in the month of January last, about the officers intending to resign their commissions ?

A. He heard it publicly talked of in Calcutta, to the best of his remembrance, about the latter end of January, that the officers intended to resign their commissions.

Philip Daniel, serjeant in lieutenant-colonel Sir Robert Fletcher's company in the first regiment of infantry on the Bengal establishment, being duly sworn, was asked by Sir Robert Fletcher, what instances he could give of lieutenant-colonel Sir Robert Fletcher's influence over the soldiers of the first regiment, particularly about the fourteenth of May ?

A. On the fourteenth of May, he observed a great part of the regiment got under arms in a tumultuous, mutinous manner ; and soon after Sir



Robert Fletcher appeared on the parade, and demanded of their unfoldier-like behaviour. He told them it was his desire they should return to their barracks, and assured them, that if every officer of the brigade should leave them, he would stay with them: upon which the regiment did return to their barracks. The deponent further said, that he has heard a good many of the regiment, the major part of them, say, that if it was not for the particular regard they had for the colonel, they would every man have gone away with the officers.

Q. Were not two volunteers, messieurs Haldan and Skinner, appointed to act as officers on the fourteenth of May?

A. Yes, they were.

Lieutenant-colonel Sir Robert Fletcher here acquainted the court that he had no more evidences to call upon.

Most of the points which the judge-advocate had endeavoured to prove remaining uncontroverted, he did not trouble the court with the examination of any of the evidences in reply. He only begged leave to observe, that it had appeared to the court, upon the joint evidence of captain Goddard, captain Roper, captain Bevan, Mr. Dunbar, and other evidences, that a scheme of resignation of commissions came to the knowledge of Sir Robert Fletcher, in the month of January last; and that Sir Robert Fletcher had not made it appear to the court, that he at that, or any other period of time, made lord Clive, or general Carnac, or the governor and council, acquainted therewith.

K

The



The court then adjourned till Monday morning nine o'clock.

The court met pursuant to adjournment.

Lieutenant-colonel Sir ROBERT FLETCHER, being called into court, made the following observation.

“AS I was not charged in the course of the evidence against me, with neglecting to give due information to lord Clive, &c. in January last, I did not think it necessary to trouble the court at all on that head. In answer to the first part of the judge-advocate's observation, I must remark that no scheme of resignation came to my knowledge in January last; nor was any scheme then formed. Mr. Dunbar did mention something to me of a meeting of the officers in January last; but at that meeting, not a word of resignation was mentioned, nor any scheme whatever proposed. In this state of uncertainty, did things continue until a day or two after I dined with captain Goddard, when I was assured that the officers had determined to address the governor and council; and it was my wishes that so disagreeable a subject should go from themselves, rather than from me to his lordship; as a proof of which, I advised their sending their address immediately, and not through me to the governor. The general's answer was in like manner addressed to them. Had the talk of a general resignation been confined to Monghier, I should certainly have written to his lordship as soon as I heard of



of it; but at that very time the subject was publicly spoken of every where else; and as I was then well informed, particularly in Calcutta, and could not possibly escape his lordship's ears. I thought it therefore much better for me to remain quiet, and keep in their confidence, till they had come to some determination, than prematurely to trouble his lordship with rumours, which I knew were public, and for which I did imagine I should not have been thanked; particularly, as I had, but a short time before, got a severe reprimand from the committee for writing on the subject of the Batta of the commanding officers of the brigades: and as a further proof of the justness of that opinion, I shall observe to the court, that when his lordship was at Chuprah, I mentioned in one of my letters to him, that the officers of the regiment complained again of the insufficiency of their allowance; for which I got another reprimand, and was told that he was surprised at my mentioning a subject which I knew the board was determined to discourage.

“ It was not till very near the time of my dining with captain Goddard, that I gave over hopes of dissuading my whole family, by which I should have brought the whole to nothing; and it was my resolution to have given lord Clive an account of that day's conversation immediately, had not I found that, instead of adopting the scheme I proposed, they determined to address the board. About the twenty-fourth of April, I informed his lordship that the officers had three months before talked of resigning, if their Batta was not restored;



and his lordship at that time entirely approved of my conduct. In like manner when the officers determination to resign came to my knowledge about the twentieth of April, I first of all used my endeavours to break it off myself, by persuading all over whom I had any influence, not to persist in it, till finding I could not succeed, and being assured by the additional information which I received the twenty-fourth or twenty-fifth, that they would certainly put their scheme in execution, I then gave immediate notice to his lordship. I must remark, that in one of my letters to his lordship, before his arrival at Monghier, about the twelfth or thirteenth of May, I did inform him that I had once pretended to enter into some of their intended measures, and mentioned it again to him at Monghier. I further beg leave to inform the court that lord Clive found it needless to answer my letter of the twelfth or thirteenth of May, because his lordship expected to be at Monghier himself the next day. On the fifteenth, when his lordship arrived, I, among other remarks, repeated to his lordship what I mentioned in that letter, and his lordship expressed himself entirely satisfied with my conduct."

The court then enquired of lieutenant-colonel Sir Robert Fletcher, if he could produce any proofs of lord Clive's having expressed himself entirely satisfied with his conduct; to which Sir Robert Fletcher replied, no, he could not, as it was a private conversation between lord Clive and him, and this did not occur to Sir Robert Fletcher, until the president



president asked him if lord Clive answered his letter of the twelfth or thirteenth of May.

Lieutenant-colonel Sir Robert Fletcher begged leave to lay before the court, an extract from his letter to lord Clive, dated the twenty-fifth of April, together with his lordship's answer; and desired that the court would admit of their being entered upon the face of the proceedings, which being agreed to, they were entered accordingly as follows:

Extract of a letter from lieutenant-colonel Sir ROBERT FLETCHER to lord CLIVE, dated the twenty-fifth of April, 1766.

“ THE officers seem now resolved on another attempt for the recovery of their Batta: their commissions, as I understand, are to be sent to me at the end of this month, together with a letter informing me that they will draw no pay for the next, but will continue to serve until the affair is finally determined, for or against them. Mr. Bevan, who is strongly connected with me in friendship, is the only one of the brigade that is clear of this, as he does nothing of consequence without my particular advice; so he consulted me upon this occasion, and it was agreed that he should stand singly against the torrent, and plead his obligations to your lordship as a sufficient reason for dissenting from a measure that would carry the appearance of opposition.

“ This



"This, however, does by no means satisfy them: several attacks have been made on him since, but to no purpose; he does and will continue firm, without discovering the least marks of irresolution, although threatened with ruin: a combination is now on foot not to speak to him, and I am using my influence with three or four of the best not to join in it.

"From a letter I have received from Sir Robert Barker, which I now transmit to your lordship, together with my answer, I judge the other brigades are ripe for the same purpose. Whatever reasons the indigent majority may or may not have for carrying this matter so far, I hardly see any colour of a plea for those who bear double posts.

I am, my lord, yours, &c.

From lord CLIVE, to lieutenant-colonel Sir ROBERT FLETCHER, dated Motevil, April 28, 1766.

SIR,

I HAVE this moment received your favour of the twenty-fifth instant, enclosing Sir Robert Barker's letter to you, and your answer. Your conduct with respect to the combination entering into by the officers of the brigade under your command is highly commendable, and you have my sincere thanks on the occasion.—Notwithstanding their seeming resolution, I cannot think they will actually



tually go through with it; and indeed, I hope for their own sakes, they will not; for I am determined that any man who resigns his commission from no other cause of disgust than what you mention, shall be immediately dismissed the service, and never restored,

I am, Sir, &c.

(Signed) CLIVE.

The



The court was ~~also ordered~~ to be cleared.

THE president and members having taken into mature consideration, the whole evidence for and against the prisoner lieutenant-colonel Sir Robert Fletcher, together with his defence, are of opinion, That he is guilty of mutiny, the crime laid to his charge, by a breach of the third and fourth articles of the second section of the articles of war; the prisoner having excited sedition, and after coming to the knowledge of a mutiny, or intended mutiny, having delayed to give information thereof to his commanding officer—The court do therefore adjudge him, and he is hereby adjudged, to be cashiered.

THOMAS PEARSON,  
Judge-Advocate.

RICHARD SMITH,  
President.